

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 20-0100
Case Nos. 2016-LDA-00320, 2016-LDA-00322
OWCP Nos. 02-218964, 02-302680

| | | |
|------------------------------|---|-------------------------|
| MILTON BOWMAN |) | |
| |) | |
| Claimant-Respondent |) | |
| |) | |
| v. |) | |
| |) | |
| FLUOR DANIEL CORPORATION |) | |
| |) | DATE ISSUED: 01/08/2020 |
| and |) | |
| |) | |
| THE INSURANCE COMPANY OF THE |) | |
| STATE OF PENNSYLVANIA |) | |
| |) | |
| Employer/Carrier- |) | |
| Petitioners |) | ORDER |

By letter dated December 23, 2019, employer notified the Board that it filed an application for modification pursuant to 33 U.S.C. §922. Thus, employer asks the Board to dismiss its appeal without prejudice and remand the case for modification proceedings. 20 C.F.R. §802.301(c).

We grant employer's motion, dismiss its appeal without prejudice, and remand the case to the administrative law judge for modification proceedings. Employer's appeal of the administrative law judge's September 16, 2019 Decision and Order on Modification and November 19, 2019 Order Denying Reconsideration will be reinstated provided it files a motion for reinstatement within 30 days of the date the district director files the decision on employer's motion for modification. The request for reinstatement must be served on all parties and identified by the Board's docket number assigned to this case, BRB No. 20-0100. 20 C.F.R. §802.301(c).

Any party adversely affected by the decision granting or denying modification may file a new appeal with the Board within 30 days of the date the decision on modification is

filed. 33 U.S.C. §921(a); 20 C.F.R. §§802.205, 802.301(c). The new appeal will be assigned a new docket number and will be consolidated with any reinstated appeal of the original decision.

Accordingly, employer's appeal is dismissed without prejudice and the case is remanded to the administrative law judge for modification proceedings.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge